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17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA
19 EASTERN DIVISION
20

21 Robert Frese,

22 Plaintiff,

23 vs.

24 Wells Fargo Bank, N.A.,

25 Defendant.

Case No.: 5:15-cv-1216

COMPLAINT FOR DAMAGES

FOR VIOLATIONS OF:

- 1. THE TELEPHONE CONSUMER PROTECTION ACT;**
- 2. THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

JURY TRIAL DEMANDED

1 Plaintiff, Robert Frese (hereafter “Plaintiff”), by undersigned counsel, brings
2 the following complaint against Wells Fargo Bank, N.A. (hereafter “Defendant”) and
3 alleges as follows:
4

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the
7 Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA”), and repeated
8 violations of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788,
9 *et seq.* (“Rosenthal Act”).
10

11 2. Jurisdiction of this Court arises under 47 U.S.C. § 227(b)(3), Cal. Civ.
12 Code 1788.30(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1367.
13

14 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
15 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
16 where Defendant transacts business in this district.
17

18 **PARTIES**

19 4. Plaintiff is an adult individual residing in Beaumont, California, and is a
20 “person” as defined by 47 U.S.C. § 153(39) and Cal Civ. Code § 1788.2(g).
21

22 5. Plaintiff is a “debtor” as defined by Cal. Civ. Code § 1788.2(h).
23

24 6. Defendant is a business entity located in Sioux Falls, South Dakota, and
25 is a “person” as the term is defined by 47 U.S.C. § 153(39) and Cal Civ. Code §
26 1788.2(g).
27
28

1 7. Defendant, in the ordinary course of business, regularly, on behalf of
2 itself or others, engages in the collection of consumer debts, and is a “debt collector”
3 as defined by Cal. Civ. Code § 1788.2(c).
4

5
6 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

7 8. Plaintiff is a natural person allegedly obligated to pay a debt asserted to
8 be owed to Defendant.
9

10 9. Plaintiff’s alleged obligation arises from a transaction in which property,
11 services or money was acquired on credit primarily for personal, family or household
12 purposes and is a “consumer debt” as defined by Cal. Civ. Code § 1788.2(f).
13

14 10. At all times mentioned herein where Defendant communicated with any
15 person via telephone, such communication was done via Defendant’s agent,
16 representative or employee.
17

18 11. At all times mentioned herein, Plaintiff utilized a cellular telephone
19 service and was assigned the following telephone number: 909-XXX- 3105 (hereafter
20 “Number”).
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22 12. Defendant placed calls to Plaintiff’s Number in an attempt to collect a
23 debt.
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25 13. The aforementioned calls were placed using an automatic telephone
26 dialing system (“ATDS”).
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DATED: June 22, 2015

TRINETTE G. KENT

By: /s/ Trinette G. Kent
Trinette G. Kent, Esq.
Lemberg Law, LLC
Attorney for Plaintiff, Robert Frese